



MISSOURI DEPARTMENT OF MENTAL HEALTH

DORN SCHUFFMAN, DEPARTMENT DIRECTOR



DEPARTMENT
OPERATING
REGULATION
NUMBER

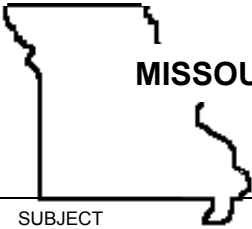
DOR
2.105

CHAPTER Client Rights	SUBCHAPTER Grievance Procedures	EFFECTIVE DATE 9/1/2003	NUMBER OF PAGES 3	PAGE NUMBER 1 of 3
SUBJECT Processing Client Rights Grievances		AUTHORITY Section 630.050, 630.135 and 630.200, RSMo. Title VI of the Civil Rights Act of 1964	HISTORY Revises DOR 2.105 Effective 2/1/82	
PERSON RESPONSIBLE Director, Consumer Affairs			SUNSET DATE 7/1/07	

PURPOSE: Prescribes procedures to process grievances of alleged violations of clients rights.

APPLICATION: Applies to all department facilities.

- (1) As used in this operating regulation, the following terms shall mean:
 - (A) "Grievance," allegation that a client's right has been violated (this does not include a complaint of abuse or neglect to be processed under DOR 2.205);
 - (B) "Client rights," those rights listed on DMH Forms 8125, 8126, and 8127.
- (2) Grievances may be filed with the head of the facility as follows:
 - (A) Any person other than a department employee may complete the department grievance form (DMH Form 8104) and give it to the person in charge of the ward, unit or facility. The person may also report the grievance to any department employee who shall immediately put it on the department form.
 - (B) A department employee shall complete a department grievance form (DMH Form 8104) and immediately notify the person in charge of the ward, unit or facility where the client receives services under the following circumstances:
 1. the department employee has reasonable cause to believe that a violation of client rights has occurred;
 2. the department employee receives a grievance under (A) of this section.
- (3) The employee in charge of the ward, unit or facility receiving the grievance shall attempt to resolve it. If the grievance is resolved, the employee shall document its resolution on the grievance form and place it in the client's file and send a copy to the head of the facility who shall forward a copy to the client rights monitor. If the employee who receives a grievance does not resolve it, the employee shall state on the grievance form the reasons for not resolving it and refer it to the head of the facility for disposition by the client rights review committee.
- (4) The head of the facility shall send a copy to the facility Title VI officer for information on any grievance (and its disposition at any step under this DOR) alleging impermissible discrimination (i.e., the denial of admission or services because of race, sex, creed, marital status, national origin, handicap or age).
 - (A) The head of each facility shall appoint a Title VI officer (who may be the chair of the client rights review committee) to report information to the Department Title VI officer (Chief of Employee Relations) on any grievances and their dispositions alleging impermissible discrimination.



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(B) The facility Title VI officer shall provide to the department Title VI officer any information regarding any grievances alleging impermissible discrimination as necessary for follow-up and completion of department reports.

(5) The head of each facility shall establish a client rights review committee, comprised of at least three employees to impartially review any grievance not resolved by the employee in charge of the ward, unit or facility.

(A) The committee shall review unresolved grievances and recommend decisions to the head of the facility within ten (10) working days of receiving the grievance. The recommendations shall consist of one of the following:

1. grant the remedy as specified on the grievance form;
2. deny the remedy requested on the grievance form with the reasons stated for recommending the denial;
3. offer another remedy to resolve the grievance with reasons for the alternate specified.

(B) The head of the facility shall decide the grievance within ten (10) working days of receiving the committee's recommendation. The head of the facility may decide the grievance with one of the following decisions:

1. grant the remedy requested;
2. deny the remedy requested and specify the reasons for the denial;
3. offer another remedy with the reasons for an alternate offer.

(6) The client may appeal within fifteen (15) days the decision of the head of the facility to the director of the division which has jurisdiction over the facility.

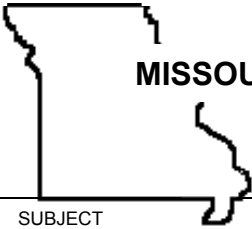
(7) The division director shall issue a decision in writing within ten (10) working days under one of the following alternatives:

(A) The division director may confirm the decision of the head of the facility and state the reasons for the affirmation.

(B) The division director may reverse the decision of the head of the facility with reasons for the reversal and grant the remedy requested by the client, or remand the grievance to the head of the facility to take certain actions as directed by the division director which may include offering other remedies to the client.

(8) The client may appeal the decision of the division director to the department director within fifteen (15) days who shall make the final department administrative decision within ten (10) working days. The department director may decide the grievance by choosing one of the alternatives available to the division director as set out in section (6).

(9) The facility, division director or department director shall give the grievant, the client if other than the grievant, and the client rights monitor copies of decisions at each step.



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(10) The second month following the close of the fiscal year, the Office of Consumer Affairs shall prepare a report for review by the Deputy Director and/or the Executive Team including, at a minimum, data of source of grievances (complainant and location), resolved by whom and the timeliness of the resolution.

HISTORY: Original DOR effective April 1, 1986. Amendment effective July 1, 2002. Amendment effective September 1, 2003..